IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.105 OF 2006

Baburao Bala Bhosale & Anr. .. Petitioners
Versus
Shankar Ramkrishna Kulkarni
Since Deceased through his
heirs Nandakumar Shankar
Kulkarni and Ors. .. Respondents

Mr.Dilip Bodake for petitioners
Mr.P.V.Samant for respondents.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 17th January 2006.

P.C.

. Heard Mr.Bodke for petitioner and Mr.Samant for respondents, decree holders.

2. Appeal preferred by petitioner Misc.Civil Appeal No.197 of 2005 is pending before Dist.Court Satara. The order under challenge is refuses to grant any interim reliefs in favour of

petitioner during pendency of appeal.

3. Mr.Bodke states that the appeal is challenging order on the objections which have been raised to the decree. Those objections were rejected on 13th December 2005 and promptly appeal came to be filed on 15th December 2005 and application made for stay of execution of decree for possession.

4. Mr.Samant appearing for respondents decree holders states that interim stay was continued till 23rd December 2005. He submits that bailiff has already visited the suit property and made a report to trial court. He submits that further steps in pursuance of report submitted by the bailiff may also have been initiated by now. In my view, considering the above facts, it would be just and fair to direct lower appellate court to dispose of pending appeal within a period of four weeks from the

date of receipt of copy of this order. In case the decree is not executed already, the same shall not be executed during pendency of the appeal. Petition is disposed of accordingly.

(S.C.DHARMADHIKARI, J)